



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Appeals and Interferences

In re the Application of

Inventors: Yasunari KIMURA et al.

Appln No.: 09/631,301

Filed: August 2, 2009

For: INDIVIDUAL AUTHENTICATION METHOD, INDIVIDUAL
AUTHENTICATION APPARATUS, ACCOUNTING METHOD,
ACCOUNTING APPARATUS

APPEAL BRIEF

On Appeal From Group Art Unit 3621

James E. Ledbetter

STEVENS DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, NW, Suite 850
P.O. Box 34387
Washington, D.C. 20043-4387
Telephone: (202) 408-5100
Facsimile: (202) 408-5200

Attorney for Appellants

TABLE OF CONTENTS

I. <u>REAL PARTY IN INTEREST</u>	1
II. <u>RELATED APPEALS AND INTERFERENCES</u>	1
III. <u>STATUS OF CLAIMS</u>	1
IV. <u>STATUS OF AMENDMENTS</u>	1
V. <u>SUMMARY OF CLAIMED SUBJECT MATTER</u>	1
VI. <u>GROUND OF REJECTION TO BE REVIEWED ON APPEAL</u>	4
VII. <u>ARGUMENT</u>	4
VIII. <u>CLAIMS APPENDIX</u>	10
IX. <u>EVIDENCE APPENDIX</u>	21
X. <u>RELATED PROCEEDINGS APPENDIX</u>	22

TABLE OF AUTHORITIES

<i>Greenberg v. Ethicon Endo-Surgery, Inc.</i> , 91 F.3d 1580, 1584, 39 USPQ2d 1783, 1786-87 (Fed. Cir. 1996)	3
<i>Al-site Corporation and Magnivision, Inc., v. VSI International, Inc. and Myron Orlinsky</i> , 174 F.3d 1308, 50 U.S.P.Q.2d 1161 (Fed. Cir. 1999)	3
MPEP §2131, first sentence of bolded subheading	4
<i>Verdegaal Bros. v. Union Oil Co. of California</i> , 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).	4

I. REAL PARTY IN INTEREST

The real party in interest is the assignee of the present application, Matsushita Electric Industrial Co., Ltd., of Osaka, Japan.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-26 have been presented for examination. Claims 1-10 and 14-16 have been canceled. Claims 17-26 are withdrawn from consideration as directed to non-elected subject matter. Claims 11-14 stand finally rejected and form the subject matter of the present appeal.

IV. STATUS OF AMENDMENTS

There was no amendment filed after the Final Rejection of November 22, 2005.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Method claim 11 is directed to an authentication method, comprising (see, application page 11, line 12 et seq. and Fig. 4):
(a) receiving a first identifier of a user 100 and a password from

the user at a point of service (POS) terminal 101 (step 1 of Fig. 4; application page 11, line 19-page 12, line 7); (b) obtaining a first password corresponding to the first identifier (steps 2, 3, 4 and 5 of Fig. 4; application page 12, line 9- page 13, line 21); (c) identifying the user by comparing the first password and the password received from the user (steps 6 and 7; application page 13, line 22 - page 14, line 13); (d) thereafter, obtaining a second password and a second identifier corresponding to the first identifier, the second identifier comprising a mobile terminal call number of a communication terminal 102 (steps 8, 9 and 10; application page 14, line 14-page 15, line 93); (e) thereafter, establishing a communication link between a signal source and the communication terminal 102 using the second identifier for the purpose of third party authentication of the user (steps 11 and 12; application page 15, line 22-page 17, line 2); (f) receiving another password from the communication terminal (steps 15-19; application page 17, line 10-page 18, line 17); and (g) establishing authentication of the user when the another password matches the second password (steps 20-25; application page 18, line 18-page 20, line 2).

Apparatus claim 13 is directed to an authentication apparatus, comprising (see application page 11, line 12 et seq. and Fig. 4) : a receiving section 101 that receives a first identifier and a

password provided to a point of service (POS) terminal 101 by a user 100 (application page 11, line 19-page 12, line 7); an identification determining section 300 (Fig. 1) that obtains a first password corresponding to the first identifier (application page 12, lines 1-7); a section 323 that identifies the user 100 by comparing the first password and the password received from the user 100 (application page 12, lines 9-19); a section 321 that obtains a second password and a second identifier corresponding to the first identifier, the second identifier comprising a mobile terminal call number of a communication terminal 102 (application page 12, line 21-page 14, line 13); a signal source 400 (page 16, line 5); a link establishment section 201 that establishes, for the purpose of third party authentication of the user, a communication link between the signal source 400 and the communication terminal 102 using the second identifier (application page 16, lines 20-22); a section that receives another password from the communication terminal 102 (application page 17, line 21-page 18, line 22); and an authorization section 322 that authenticates the user when the another password matches the second password application page 19, lines 2-13).

The references above to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.

All claim elements and steps are in non-means-plus-function and step-plus-function format. See, *Greenberg v. Ethicon Endo-Surgery, Inc.*, 91 F.3d 1580, 1584, 39 USPQ2d 1783, 1786-87 (Fed. Cir. 1996) and *Al-site Corporation and Magnivision, Inc., v. VSI International, Inc. and Myron Orlinsky*, 174 F.3d 1308, 50 U.S.P.Q.2d 1161 (Fed. Cir. 1999).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 11-14 are properly rejected under 35 USC 102 (b) as anticipated by USPN 5,384,831 to Creswell et al. (hereinafter, "Creswell").

VII. ARGUMENT

It is respectfully submitted that claims 11-14 are not anticipated by Creswell.

Under the well-established principle that a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently, in a single prior art reference, the Appellants submit that there is no anticipation of claims 11-14. See, MPEP §2131, and *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The final office action proposes that columns 3 and 4, and

particularly, col. 4, line 11 et seq., of Creswell disclose the following features of present claim 11:

(a) at a Point-of-Sale (POS), receiving a first identifier and a password from a user,

(b) obtaining a first password corresponding to the first identifier,

(c) identifying the user by comparing the first password and the password receiver from the user,

(d) obtaining both a second password and a second identifier corresponding to the first identifier, wherein the second identifier comprises a mobile terminal call number of a communication terminal,

(e) establishing a communication link between a signal source and the communication terminal using the second identifier for the purpose of third party authentication of the user,

(f) receiving another password from the communication terminal, and

(g) establishing authentication of the user when the another password received from the communication terminal matches the second password.

In support of this proposal, the final office action, in the paragraph bridging pages 2 and 3:

(1) cites a portion of Creswell which states: "The

subscriber is also assigned a Personal Identification Number (PIN), a security code, a number of Caller Identification Numbers (CIN) and a number of Secondary CINS (SCIN)" and

(2) asserts that "this citation discloses two ID's and two associated passwords each linked with the same customer."

The Appellants respectfully submit that Creswell, considered in full, fails to anticipate the features of the present claims.

First of all, it is noted that the statements in the final office action merely superficially allege that the general use of a PIN, a security code, CIN and SCINs, and the use of two IDs and two associated passwords, constitutes a teaching of the present claimed subject matter. However, the final office action does not address how these elements are used in Creswell's system, or how they allegedly disclose the cooperation of the present claimed elements to provide the present claimed invention. That the position taken in the final office action is incorrect will be apparent from the following detailed discussion of Creswell and the claimed invention.

Creswell discloses a personalized telephone system having subscribers. In this system, each subscriber dynamically specifies a number of caller identifiers and a different call treatment for each such identifier as well as a particular billing mode. A call treatment may include, for example, a call

forwarding specification to forward an associated call to one of a particular telephone number, a default telephone number, or a messaging service. In particular, a plurality of stored caller identifiers are stored for a subscriber's telephone number, with each caller identifier defining a respective call treatment. When a first telephone call is directed to the subscriber telephone number, the caller provides one of the caller identifiers, and the call is processed using the call treatment associated with the received caller identifier.

In one embodiment of Creswell, a subscriber calls a service number and enters his PIN. The service compares the entered PIN with a database of stored PINs. If there is a match, the service then gives the subscriber an "announcement" that provides a list of calling features to access. One such calling feature is a facsimile service EFAX system 300 and another is a financial service system 400. If the subscriber selects the facsimile service, his call is connected to EFAX system 300, and he must then enter a password to access a stored fax or send a fax. If the subscriber selects the financial service, his call is connected to system 400, and he must then enter a password to receive various financial indicators. See, Creswell at col. 14, lines 41-54 and col. 15, lines 18-31.

Comparing Creswell with claim 11, Creswell discloses only

steps (a)-(c), but not steps (d)-(g) of claim 11.

More particularly, in Criswell, the subscriber provides a PIN for accessing the general system and, after accessing the general system, a password for accessing EFAX system 300 or financial services system 400, and the service accesses a password database to retrieve a password corresponding to the subscriber's PIN and compares that retrieved password with the one received from the subscriber to identify the subscriber.

However, it is clear that Creswell does not teach or suggest steps (d)-(g) of claim 11 because:

(1) there is no disclosure of a second password or a second identifier corresponding to a subscriber's first identifier (PIN),

(2) nor is there any disclosure of a second identifier used in establishing a communication link between a signal source and a communication terminal for the purpose of third party authentication of the user,

(3) nor is there any disclosure of receipt of yet another password from the communication terminal, and

(4) nor is there any disclosure of establishing authentication when the yet another password matches a second password.

Thus, contrary to the unfounded allegations in the final office action, Creswell cannot be considered as anticipating

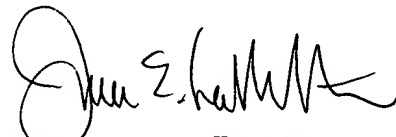
present claim 11. If the final office action relies on portions of Creswell other than the specifically cited columns 3 and 4, MPEP 706 requires citation of the particular part relied on and clear explanation of pertinence of such portions.

Apparatus claim 13 recites similar features to those discussed above in connection with method claim 11, and distinguishes over Creswell for similar reasons to those noted above.

In view of the above, it is submitted that Creswell fails to disclose the above-noted subject matter of independent claims 11 and 13. Thus, it is submitted that claims 11 and 13, and claims 12 and 14 dependent therefrom, respectively, are in allowable condition.

In view of the law and facts stated herein, it is respectfully submitted that all pending claims define patentable subject matter. Therefore, reversal of all outstanding grounds of rejections is respectfully solicited.

Respectfully submitted,



James E. Ledbetter
Registration No. 28,732

Date: July 24, 2006

JEL/att
ATTORNEY DOCKET NO. JEL 31225
STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, N.W., Suite 850
Washington, D.C. 20036
Telephone: (202) 408-5100
Facsimile: (202) 408-5200

VIII. CLAIMS APPENDIX

11. An authentication method, comprising:

(a) receiving a first identifier of a user and a password from the user at a point of service (POS) terminal;

(b) obtaining a first password corresponding to said first identifier;

(c) identifying said user by comparing the first password and said password received from the user;

(d) thereafter, obtaining a second password and a second identifier corresponding to said first identifier, said second identifier comprising a mobile terminal call number of a communication terminal;

(e) thereafter, establishing a communication link between a signal source and the communication terminal using the second identifier for the purpose of third party authentication of said user;

(f) receiving another password from the communication terminal; and

(g) establishing authentication of said user when said another password matches said second password.

12. The authentication method of claim 11, wherein step (b)

includes correlating the first identifier with corresponding information stored in a database to obtain said first password from the corresponding information.

13. An authentication apparatus, comprising:
 - a receiving section that receives a first identifier and a password provided to a point of service (POS) terminal by a user;
 - an identification determining section that obtains a first password corresponding to said first identifier;
 - a section that identifies said user by comparing the first password and said password received from the user;
 - a section that obtains a second password and a second identifier corresponding to said first identifier, said second identifier comprising a mobile terminal call number of a communication terminal;
 - a signal source;
 - a link establishment section that establishes, for the purpose of third party authentication of said user, a communication link between the signal source and the communication terminal using the second identifier;
 - a section that receives another password from the communication terminal; and
 - an authorization section that authenticates the user when

said another password matches said second password.

14. The authentication apparatus of claim 13, wherein the identification determining section associates the first identifier with stored corresponding information and obtains the first password from the stored corresponding information.

17. An authentication method comprising the steps of:

(a) registering in a database information of members including a first password and a second password of a member, a first identifier of a user, and a mobile communication terminal number constituting a second identifier of the user, wherein said first password, said second password and said mobile communication terminal number correspond to said first identifier in said database;

(b) receiving from the user both the first identifier and a password through an information communication line;

(c) obtaining from the member database said first password corresponding to said first identifier;

(d) identifying the user by comparing said first password obtained from the member database in step (c) and the password received from the user;

(e) after the user is identified in step (d), obtaining from

the member database said second password corresponding to the first identifier and the mobile communication terminal number corresponding to the first identifier;

(f) thereafter, connecting to a mobile communication terminal of the member through a mobile communication line using said mobile communication terminal number obtained from said member database;

(g) receiving a password from the connected mobile communication terminal; and

(h) authenticating the user in response to coincidence between the received password from the connected mobile communication terminal and said second password obtained from said member database.

18. An authentication apparatus comprising:

a member database registering information of members including a first password and a second password of a member, a first identifier of a user, and a mobile communication terminal number constituting a second identifier of the user, wherein said first password, said second password and said mobile communication terminal number correspond to said first identifier in said database;

an individual authentication control device that receives

from the user both the first identifier and a password through an information communication line;

a basic authentication device that (i) obtains from said individual authentication control device said first identifier and said password supplied by the user, (ii) obtains from the database said first password corresponding to said first identifier provided by said individual authentication control device and (iii) identifies the user by comparing said first password obtained from said member database and said password received from said individual authentication control device; and

a mobile communication authentication device that, responsive to the user being identified by said basic authentication device, (i) obtains from said individual authentication control device said first identifier, (ii) obtains from the database said second password and the mobile communication terminal number corresponding to the first identifier, (iii) connects to a mobile communication terminal of the member through a mobile communication line using said mobile communication terminal number obtained from said member database, and (iv) obtains a password from said mobile communication terminal;

wherein said mobile communication authentication device

authenticates the user in response to coincidence between said password received from said mobile communication terminal and said second password obtained from said member database.

19. An accounting method comprising the steps of:

(a) registering in a database information of members including a first password and a second password of a member, a first identifier of a user, and a mobile communication terminal number constituting a second identifier of the user, wherein said first password, said second password and said mobile communication terminal number correspond to said first identifier in said database;

(b) receiving a first identifier, a password, and an accounting amount relating to a commercial transaction from the user through an information communication line;

(c) obtaining from the member database said first password corresponding to said first identifier;

(d) identifying the user by comparing said first password obtained from the member database in step (c) and the password received from the user;

(e) after the user is identified in step (d), obtaining from

the member database said second password corresponding to the first identifier and the mobile communication terminal number corresponding to the first identifier;

(f) thereafter, connecting to a mobile communication terminal of the member through a mobile communication line using said mobile communication terminal number obtained from said member database;

(g) inquiring approval or rejection from said member of a payment of said accounting amount and if approval is given, receiving a password from the connected mobile communication terminal; and

(h) registering the accounting amount in said member database together with information about commercial transaction presentation and deducting the accounting amount from a bank account registered preliminarily in response to coincidence between the received password from the connected mobile communication terminal and said second password obtained from said member database.

20. An accounting apparatus comprising:

a member database that registers information of members including a first password and a second password of a member, a

first identifier of a user, and a mobile communication terminal number constituting a second identifier of the user, wherein said first password, said second password and said mobile communication terminal number correspond to said first identifier in said database;

an individual authentication control device that receives a first identifier, a password and an accounting amount relating to a commercial transaction supplied by the user through an information communication line;

a basic authentication device that (i) obtains from said individual authentication control device said first identifier and said password supplied by the user, (ii) obtains from the database said first password corresponding to said first identifier provided by said individual authentication control device and (iii) identifies the user by comparing said first password obtained from said member database and said password received from said individual authentication control device;

a mobile communication authentication device that, responsive to the user being identified by said basic authentication device, (i) obtains from said individual authentication control device said first identifier, (ii) obtains from the database said second password and the mobile communication terminal number corresponding to the first

identifier, (iii) connects to a mobile communication terminal of the member through a mobile communication line using said mobile communication terminal number obtained from said member database, and (iv) obtains a password from said mobile communication terminal;

wherein said mobile communication authentication device authenticates the user responsive to coincidence between said password received from said mobile communication terminal and said second password obtained from said member database; and

an accounting device that registers the accounting amount in said member database together with information about commercial transaction presentation and deducts the accounting amount from a bank account registered preliminarily, responsive to coincidence between said password received from said mobile communication terminal and said second password obtained from said member database.

21. An accounting method as defined in claim 19 further comprising the step of:

receiving facility ID information of a facility for presentation of the commercial transaction, through an information communication line; and

identifying the facility.

22. An accounting apparatus as defined in claim 20 further comprising:

a facility database registering information of presentation facility for presentation of the commercial transaction; and

a facility authentication device,

wherein said accounting authentication control device further receives facility ID information for identifying the facility, through an information communication line,

wherein said facility authentication device identifies the facility by comparing facility ID information registered in said facility database and the facility ID information received from said accounting authentication control device, and

wherein said mobile communication authentication device connects to the mobile communication terminal of the debtor registered in said member database, when the facility ID, the first identifier, and the first password received are identified by said facility authentication device and said basic authentication device.

23. The authentication method according to claim 17, wherein the user is different from said member.

24. The authentication apparatus according to claim 18,

wherein the user is different from said member.

25. The accounting method according to claim 19, wherein the user is different from said member.

26. The accounting apparatus according to claim 20, wherein the user is different from said member.

IX. EVIDENCE APPENDIX

No evidence was submitted in this application pursuant to 37 CFR §§ 1.130, 1.131 or 1.132.

X. RELATED PROCEEDINGS APPENDIX

There are no related appeals or interferences.